

CHAPTER NO. 768

SENATE BILL NO. 3055

By Cohen

Substituted for: House Bill No. 2955

By Scroggs

AN ACT To amend Tennessee Code Annotated, Section 71-6-120, relative to the right of recovery for an elderly person or disabled adult.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-6-120(d), is amended by deleting in the first sentence the phrase, "by clear and convincing evidence"; by deleting in the second sentence the phrase, ", including attorneys' fees"; and by inserting the following new sentence after the second sentence:

In addition, if it is proven upon clear and convincing evidence that abuse or neglect, sexual abuse or exploitation or theft resulted from intentional, fraudulent or malicious conduct by the defendant, a claimant shall be entitled to recover reasonable attorneys' fees.

SECTION 2. Tennessee Code Annotated, Section 71-6-120, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e) In addition to the damages described in (d), a defendant may also be found liable for punitive damages in accordance with applicable common law standards.

SECTION 3. Tennessee Code Annotated, Section 71-6-120, is amended by adding the following as a new, appropriately designated subsection:

() This section shall not apply to a cause of action within the scope of Title 29, Chapter 26, and such cause of action shall be governed solely by Title 29, Chapter 26.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 11, 2000

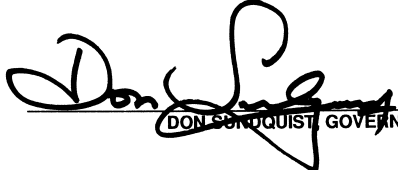


JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of May 2000



DON SUNDQUIST, GOVERNOR